

## **DETAILED ACTION**

### ***Priority***

This application is a 371 of PCT/EP04/12559 11/05/2004 which claims benefit for foreign priority under 35 U.S.C. § 119(a)-(d) to EPO 03025290.2 11/06/2003, is acknowledged.

### ***Status of Claims***

Receipt is acknowledged of amendment / response filed on September 05, 2008 and that has been entered.

Claims 1-25 and 30-40 are currently pending in the application. Claims 26-29 were canceled.

### ***Information Disclosure Statement***

Receipt is acknowledged of Information Disclosure Statement (IDS), filed on 09/05/2008, which has been entered in the file.

### ***Response to Election/Restriction***

In response to the restriction requirement, Applicants have elected Group I, [which includes claims 1-14 drawn to a compound of formula I] is acknowledged. However, during a telephonic interview with Ms. Amy Fix (Attorney for Applicant) on September 30, 2008, Applicant has agreed to cancel non-elected claims 18-25 and 36-40. On the other hand, Examiner has agreed to rejoin claims 15-17 and 30-35 with the elected Group I, because they commensurate within the scope of elected invention. Therefore, the restriction requirement is hereby withdrawn and hence, all remaining pending claims 1-17 and 30-35 are currently examined and found allowable over the prior art of record.

***Examiner's amendment***

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephonic interview with Ms. Amy Fix on September 30, 2008.

The application has been amended as follows:

- a. Claims 18-25 and 36-40 have been canceled.

***Reasons for allowance***

The following is an Examiner's statement of reasons for allowance:

Claims 1-17 and 30-35 are being allowed since the instantly claimed inventions are neither obvious nor anticipated by the prior art (US 7,153,814 cited in IDS) and there is no suggestion or motivation to modify the compounds of any prior art to obtain the instantly claimed invention. Therefore, the instant claims 1-17 and 30-35 are found allowable over the prior art of record.

***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Golam Shameem, Ph.D. whose telephone number is (571) 272-0706. The examiner can normally be reached on Monday-Thursday from 7:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane, can be reached at (571) 272-0699. The Unofficial fax phone number for this Group is

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(703) 308-7922. The Official fax phone number for this Group is (571) 273-8300. When filing a FAX in Technology Center 1600, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [joseph.mcKane@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees will not communicate with applicant via Internet e-mail where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is of record an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the applicant. See the Interim Internet Usage Policy published by the Patent and Trademark Office Official Gazette on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or public PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (571) 272-1600.

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/Golam M. M. Shameem, Ph.D./

Primary Examiner

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